



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 07749-99

12 May 2000

LCDR [REDACTED] USNR  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Commander [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 15 March 2000, a copy of which is attached. The Board also considered your letter dated 26 April 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board did not agree with the portion of the advisory opinion suggesting you did not exercise due diligence. However, they did concur with this opinion in concluding it is definitely unlikely the result of the Fiscal Year 00 Reserve Line Commander Selection Board would have changed, had the fitness report in question been considered. In this regard, they noted the report did not compare you with any other officer, and it marked you "4.0" (second best) in "Equal Opportunity." In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



4746-99

**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

5420  
PERS-86  
15 Mar 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL  
RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
LIEUTENANT COMMANDER [REDACTED] BCNR [REDACTED]  
[REDACTED]

Encl: (1) BCNR File 07749-99 w/Service record

1. We are returning enclosure (1) with the following observations and recommendation that Lieutenant Commander [REDACTED] petition be denied.
2. Lieutenant Commander [REDACTED] claims his record was incomplete before the FY-00 Commander Line selection board, and requests a special selection board. His reason for requesting a special selection board was that his latest fitness report dated 98 Sep 05- 99 Mar 25 was not available to the board. A review of his EMPRS record reveals that in fact Lieutenant Commander [REDACTED] FITREP dated 98 Sep 05 -99 Mar 25 was indeed missing, and that he did not submit any correspondence to the board. Officers have the responsibility to exercise reasonable diligence by ensuring correspondence pertaining to selection board matters, including fitness reports, are submitted via letter to the president of the board prior to the convening of the board. Although Lieutenant Commander [REDACTED]'s most recent fitness report was missing it is our opinion that its inclusion would not have substantially changed the outcome of the boards decision. A complete review of Lieutenant Commander [REDACTED]'s record reveals that there were no administrative or material errors that would warrant approval for a special board.
3. Lieutenant Commander [REDACTED] can be justifiably proud of his record and contributions; the negative response to his

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LIEUTENANT COMMANDER [REDACTED] ENR  
[REDACTED]

petition does not detract from his honorable service to this  
nation and the United States Navy.

[REDACTED]

Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division